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July 30, 2010

Corbin Davis
Clerk of the Court
Michigan Supreme Court
P.O. Box 30052
Lansing, MI 48909

RE: ADM File No. 2009-19 – Proposed Amendments of Rules 6.425, 6.502, 7.204, and 7.205 of the Michigan Court Rules

Dear Clerk Davis:

At its July 23, 2010 meeting, the State Bar of Michigan's Board of Commissioners considered the above proposed Administrative Order. The Board voted unanimously to oppose the proposed amendments, including both alternatives.

Appellate practitioners have expressed concern about the proposed time limits for filing appeals. Of particular concern is the contemplated elimination of MCR 7.205(F). The proposal would not allow appellate counsel to procure trial court transcripts in time to complete a proper appellate filing. Moreover, criminal law practitioners are apprehensive that appellate counsel may not be appointed soon enough to meet the proposed time limits. Civil law practitioners are apprehensive that the time limits would expire for filing an appeal by leave if the appellate court denies an appeal by right.

As for the proposed amendment to MCR 6.502, the Board is concerned that innocent defendants may lose their opportunity for relief because of the one-year time limit for filing.

We thank the Court for its publication of the proposed Administrative Order. Please contact me with any further questions.

Sincerely,

Janet Welch
Executive Director

cc: Anne Boomer, Administrative Counsel, Michigan Supreme Court
Charles R. Toy, President